

To the Honorable Council City of Norfolk, Virginia

May 10, 2016

From:

George M. Homewood, FAICP, CFM, Planning Director

Subject:

Special Exception to operate an eating and drinking establishment at 245 Granby Street

Luce

Reviewed:

1 CN Willy

Ward/Superward: 2/6

Ronald H. Williams, Jr., Deputy City Manager

Approved:

1 a City Manager

Item Number:

R-10

Marcus D. Jones, City Manager

- Staff Recommendation: Approval.
- II. Commission Action: By a vote of 7 to 0, the Planning Commission recommends Approval.
- III. Request: Special Exception to operate an eating and drinking establishment.
- IV. Applicant: Tony Caruana

V. Description:

- The site is located Downtown at the northwest corner of Granby Street and W. Tazewell Street.
- The applicant proposes to allow a new owner to operate Luce, an existing eating and drinking establishment, and add outdoor dining on W. Tazewell Street.

	Previous	Proposed
Hours of Operation and for the Sale of Alcoholic Beverages	11:00 a.m. until 2:00 a.m., Seven days a week	Same
Seating Capacity	34 seats indoors 0 seats outdoors 49 total capacity	29 seats indoors 12 seats outdoors 56 total capacity

VI. Historic Resources Impacts

- The site is located within the Downtown Historic Overlay District (HO-D) and is a contributing structure.
- Any modifications to the exterior of the building would be subject to Architectural Review Board approval for a Certificate of Appropriateness.

• The outdoor dining area requires an encroachment from the Architectural Review Board, City Planning Commission, and City Council.

VII. Public Schools Impacts

The site is located in the Tidewater Park Elementary School, Blair Middle School and Maury High School Attendance Zones.

Staff point of contact: Chris Whitney at 823-1253, chris.whitney@norfolk.gov

Attachments:

- Staff Report to CPC dated April 28, 2016 with attachments
- Proponents and Opponents
- Ordinance



Planning Commission Public Hearing: April 28, 2016

607 Executive Secretary: George M. Homewood, FAICP, CFM ZMW 44

Planner: Chris Whitney, CFM CW

Staff Report	Item No. 14 245 Granby Street		
Address			
Applicant	Luce		
Request	Special Exception	Eating and Drinking Establishment	
Property Owner	245 Granby Street, LLC		
Site Characteristics	Site Area/Space	7,350 sq. ft./5,299 sq. ft.	
	Future Land Use Map	Downtown	
	Zoning	D-3 (Freemason/Granby Conservation and Mixed Use) and HO-D (Downtown Historic Overlay)	
	Neighborhood	Downtown	
	Character District	Downtown	
	North	D-3: The Tazewell Hotel, JuiceBar Juices	
Surrounding Area	East	D-3: Tap It Local	
	South	D-3: Brick Anchor Brew-House	
	West	D-3: The Tazewell Hotel, Harbor Heights	



A. Summary of Request

- The site is located Downtown at the northwest corner of Granby Street and W. Tazewell Street.
- The applicant proposes to allow a new owner to operate Luce, an existing eating and drinking establishment, and add outdoor dining on W. Tazewell Street.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as Downtown.

C. Zoning Analysis

i. General

• The site is located in the D-3 district, which permits the proposed use by special exception.

	Previous	Proposed
Hours of Operation and for the Sale of Alcoholic Beverages	11:00 a.m. until 2:00 a.m., Seven days a week	Same
	34 seats indoors	29 seats indoors
Seating Capacity	0 seats outdoors	12 seats outdoors
	49 total capacity	56 total capacity

Special exception history:

City Council Approval	Applicant	Request
1999	Empire	Initial application
2013	Luce	Eating and Drinking Establishment
Pending	Luce	Change of owner/operatorAdd outdoor dining

ii. Parking

The site is located within the D-3 zoning district, which does not require off-street parking.

iii. Flood Zone

The property is located in the X (Shaded) Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers figures estimate that this restaurant will generate 24 fewer vehicle trips per day by decreasing total indoor seating at this location by five seats below currently approved levels.
- This downtown site has good transit accessibility served with both frequent bus service and also light rail available at the nearby Monticello station.
- Granby Street adjacent to the site is an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan.

E. Historic Resources Impacts

- The site is located within the Downtown Historic Overlay District (HO-D) and is a contributing structure.
- Any modifications to the exterior of the building would be subject to Architectural Review Board approval for a Certificate of Appropriateness.
- The outdoor dining area requires an encroachment from the Architectural Review Board,
 City Planning Commission, and City Council.

F. Public Schools Impacts

The site is located in the Tidewater Park Elementary School, Blair Middle School and Maury High School Attendance Zones.

G. Environmental Impacts

There are currently no opportunities for landscaping site improvements to this existing site.

H. AICUZ Impacts

N/A

I. Surrounding Area/Site Impacts

Over the past year, there have been 22 calls for police service at this site with no arrests made.

J. Payment of Taxes

The owner of the property is current on all real estate taxes.

K. Civic League

- Notice was sent to the Downtown Norfolk Civic League and Downtown Norfolk Council on March 16.
- An email of no objection was received from the Downtown Norfolk Civic League on March 16.

L. Communication Outreach/Notification

- Legal notice was posted on the property on March 22.
- Letters were mailed to all property owners within 300 feet of the property on April 15.
- Legal notification was placed in The Virginian-Pilot on April 14 and April 21.

M. Recommendation

Staff recommends approval of the special exception request subject to the conditions below:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 11:00 a.m. until 2:00 a.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 29 seats indoors, 12 seats outdoors, and the total occupant capacity, including employees, shall not exceed 56 people.
- (c) No smoking shall be permitted anywhere in the outdoor dining area.
- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (e) The establishment shall maintain a current, active business license at all times while in operation.
- (f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, snow, ice, and any bodily discharge.

- (i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (j) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (I) There shall be no entertainment, no dancing, and no dance floor provided.
- (m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (n) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Attachments

Location Map Zoning Map

1000' radii map of similar ABC establishments and Norfolk Public Schools

Application

Notice to the Downtown Norfolk Civic League and Downtown Norfolk Council Email of no objection from the Downtown Norfolk Civic League

Proponents and Opponents

Proponents

Rick Henn – Representative 1400 Granby Street, Unit 407 Norfolk, VA 23510

Opponents

None

04/26/2016 lds

Form and Correctness Approved:

Office of the City Attorney

2

By <u>U</u>

Contents Approved: CW

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "LUCE" ON PROPERTY LOCATED AT 245 GRANBY STREET.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Tony Caruana authorizing the operation of an eating and drinking establishment named "Luce" on property located at 245 Granby Street. The property which is the subject of this Special Exception is more fully described as follows:

Property located on the northwest corner of Granby Street and West Tazewell Street fronting 20 feet, more or less, along the eastern line of Granby Street and 60 feet, more or less, along the northern line of West Tazewell Street; premises numbered 245 Granby Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 11:00 a.m. until 2:00 a.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 29 seats indoors, 12 seats outdoors, and the total occupant capacity, including employees, shall not exceed 56 people.
- (c) No smoking shall be permitted anywhere in the outdoor dining area.
- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the

operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

- (e) The establishment shall maintain a current, active business license at all times while in operation.
- (f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, snow, ice, and any bodily discharge.
- (i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- The business authorized by this special exception (j) be conducted in accordance with shall Description of Operations set forth in "Exhibit A," The representations made in attached hereto. "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in

"Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (1) There shall be no entertainment, no dancing, and no dance floor provided.
- (m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (n) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not

substantially diminish or impair the value of the property within the neighborhood in which it is located;

- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- development will and The proposed use (d) constructed, arranged and operated so as not to and development of interfere with the use the in accordance with neighboring property applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT: Exhibit A (3 pages)



EXHIBIT "A"

Description of Operations

Eating and Drinki	ing Establish	ment
Date 3/14/16		
Trade name of business		
Address of business 245 624	aby 5	<u>+</u>
Namo(s) of husiness owner(s)*		
Name(s) of property owner(s)*	y 64	d Acce >
Daytime telephone number ()		
*If business or property owner is partnership, a *If business or property owner is an LLC or Co	all partners m orporation, all	ust be listed. principals must be listed.
1. Proposed Hours of Operation:		
Facility Weekday From <u>II. 00</u> To <u>2200</u>	Alcoholic Be Weekday	everage Sales From <u>II : 0 0</u> To <u>2:00 A</u> u
Friday From 11. 80 To 1.00	Friday	From 11:00 To 2:00 fr
Saturday From II: 00 To 2:00	Saturday	From 11:00 To 2.00 Am
Sunday From 11, 00 To 2:00	Sunday	From 11:00 To 2:00Au
2. Type of ABC license applied for (check all On-Premises ☐ Off-Premises (applicable bo additional app	oxes) olication required)
3. Type of alcoholic beverage applied for ☑ Beer ☑ Wine ☑ Mixed Be	verage	
 Will indoor or outdoor entertainment be pro (Entertainment consists of anything more to	nan one, unar	nplified musician)

DEPARTMENT OF CITY PLANNING

Exhibit A – Page 2 Eating and Drinking Establishment

•	□ Yes	deo games, pool tables, game boards or other types of games be provided? (If more than 4, additional application required)
	5a.	If yes, please describe type and number of each game to be provided
5.	Will pa	atrons ever be charged to enter the establishment?
	6a.	If yes, why
	6b.	Which days of the week will there be a cover charge (circle all applicable da
		Monday Tuesday Wednesday Thursday Friday
		Saturday Sunday
7.	Will th	e facility or a portion of the facility be available for private parties?
	7a.	If yes, explain
8.	Will a □ Yes	third party (promoter) be permitted to lease, let or use the establishment?
	8a.	If yes, explain
9.	Will t □ Ye	here ever be a minimum age limit?

Exhibit A - Page 3

DEPARTMENT OF CITY PLANNING

10. Additional comments/ description/operational characteristics or prior experience:
Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility
Signature of Applicant

Eating and Drinking Establishment

Exhibit A - Floor Plan(s) Worksheet **Eating and Drinking Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
 - o Tables/seats
 - Restroom facilities

 - Ingress and egress
 - Standing room
 - Outdoor seating
 - Total maximum capacity (including employees)

Total capacity

2 1

a. Indoor

Number of seats (not including bar seats) Number of bar seats Standing room

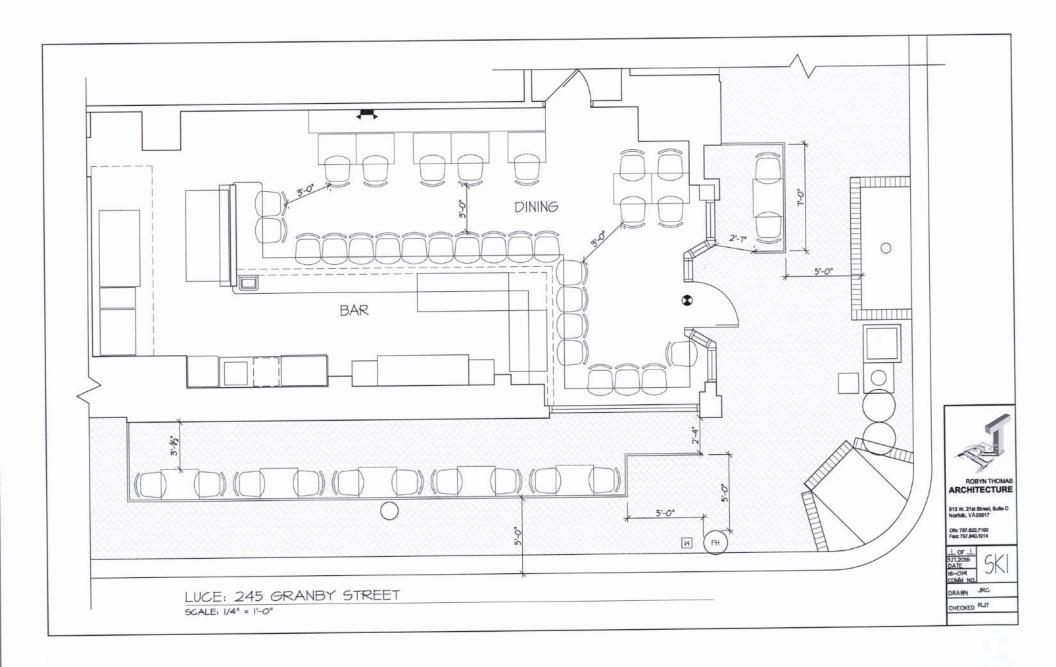
b. Outdoor

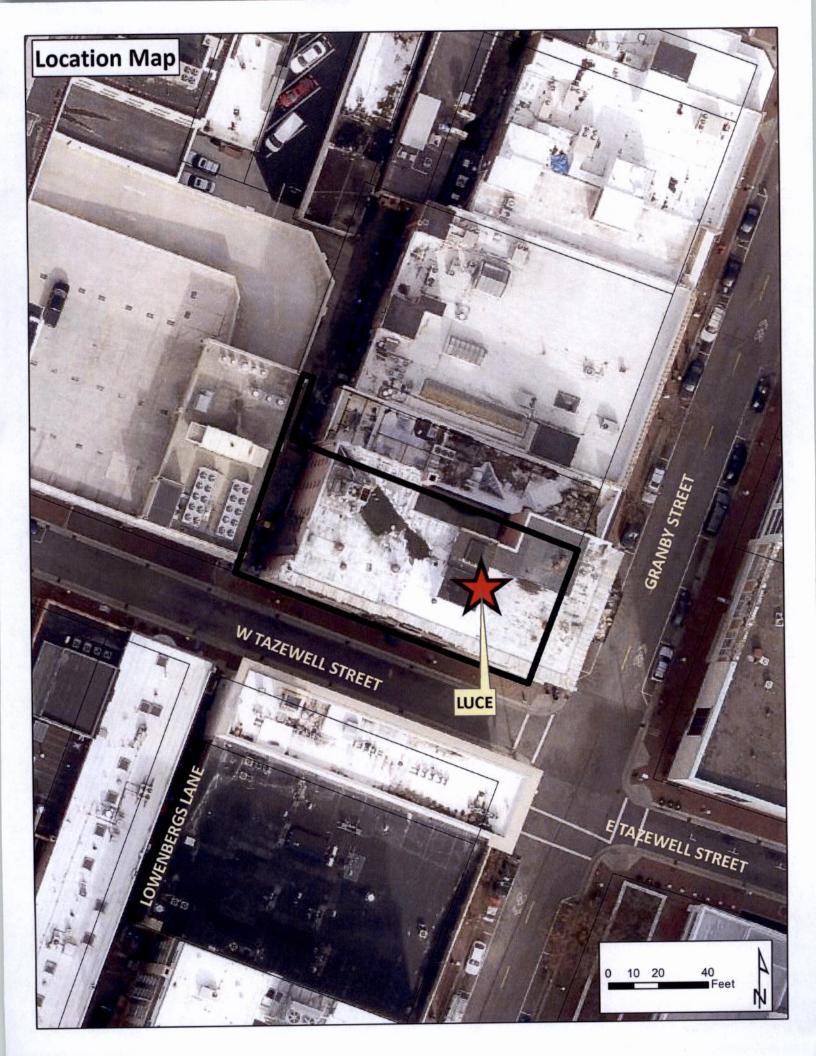
Number of seats

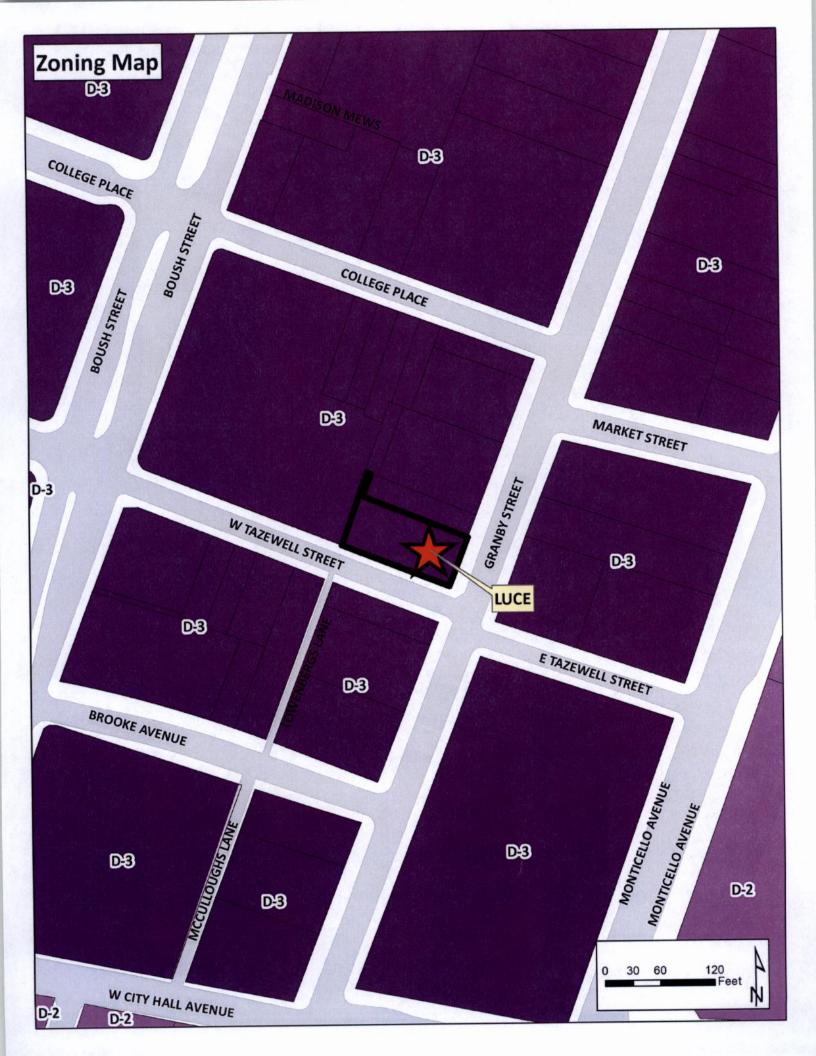
c. Number of employees

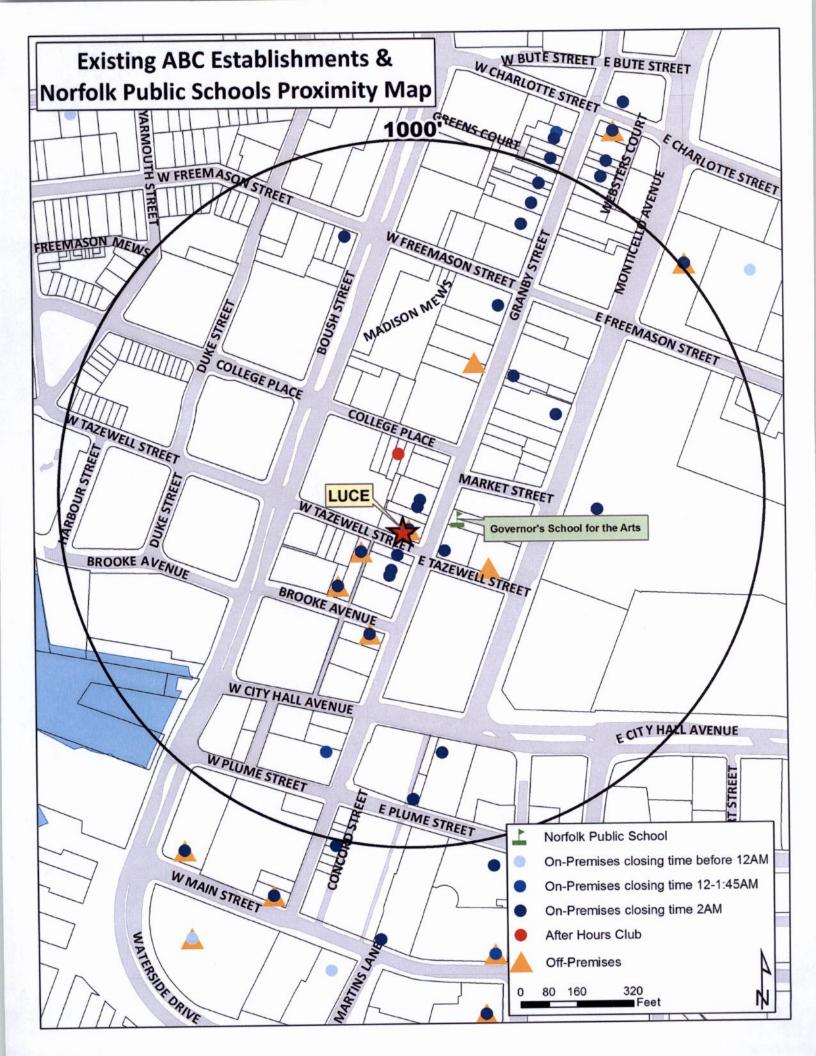
Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 56











APPLICATION ADULT USE SPECIAL EXCEPTION EATING AND DRINKING ESTABLISHMENT (Please print)

/ / (Please print)
Date 3/14/16
DESCRIPTION OF PROPERTY
Address 245 GRANGY ST GVITE 243
Existing Use of Property R2st Av RANT
Proposed Use Rizstavatet
Current Building Square Footage 900 \$\psi\$
Proposed Building Square Footage 900th
Trade Name of Business (if applicable)
APPLICANT (If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners) TARROD HALL MELISSA CARVAWA 1. Name of applicant: (Last) <u>CARVAWA</u> (First) <u>TONY</u> (MI)
Mailing address of applicant (Street/P.O. Box): 245 6-RA-6L ST (City) NORFOLK (State) VA (Zip Code) 235 16
Daytime telephone number of applicant () 757-4901 Fax ()
E-mail address of applicant:

DEPARTMENT OF CITY PLANNING

CIVIC LEAGUE INFORMATION

Ward/Super Ward information:

3. Name of property owner: (Last) 6 4 d Am > (First) Boddy (MI)

Daytime telephone number of owner () ______ email: 36444450 MARA

(City) NORFO(K) (State) VA (Zip Code) 23810

Mailing address of property owner (Street/P.O. box): _____

DEPARTMENT OF CITY PLANNING

Application Eating and Drinking Establishment Page 3

REQUIRED ATTACHMENTS

Required application fee, \$355.00 (if check, make payable to the City of Norfolk).

Application fee includes a non-refundable \$5 technology surcharge.

- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 81/2 x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping

Property lines (see attached example)

- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

ONLY NEEDED IF APPLICABLE:

Whitney, Chris

From:

Straley, Matthew

Sent:

Wednesday, March 16, 2016 2:10 PM

To:

'dncl@welovenorfolk.org'; Miller, Mary

Cc:

Whibley, Terry; Winn, Barclay; Howard, Oneiceia; Whitney, Chris

Subject:

new Planning Commission application

Attachments:

Luce.pdf

Mr. Murphy and Ms. Miller,

Attached please find the following application for a special exception to operate an eating and drinking establishment at 245 Granby Street, suite 243.

The purpose of the request is to allow for a change of owner/operator of the existing restaurant.

The item is tentatively scheduled for the April 28, 2016 Planning Commission public hearing.

Staff contact: Chris Whitney at (757) 823-1253, chris.whitney@norfolk.gov

Thank You.

Matthew Straley
GIS Technician II



City Planning 810 Union Street, Suite 508 Norfolk, VA 23510 757-664-4769

Connect with us: www.norfolk.gov







Whitney, Chris

From:

Straley, Matthew

Sent:

Wednesday, March 16, 2016 4:04 PM

To:

Whitney, Chris

Subject:

FW: new Planning Commission application

Attachments:

Luce.pdf

FYI

Matthew Straley
GIS Technician II



City Planning 810 Union Street, Suite 508 Norfolk, VA 23510 757-664-4769

Connect with us: www.norfolk.gov







From: Kevin R. Murphy [mailto:krmurphy@verizon.net]

Sent: Wednesday, March 16, 2016 4:01 PM

To: Straley, Matthew

Subject: RE: new Planning Commission application

Matthew,

The DNCL will have no objections to this application.

Kevin

From: Straley, Matthew [mailto:Matthew.Straley@norfolk.gov]

Sent: Wednesday, March 16, 2016 2:11 PM

To: dncl@welovenorfolk.org; Miller, Mary mmiller@downtownnorfolk.org;

Cc: Whibley, Terry < Theresa. Whibley@norfolk.gov>; Winn, Barclay < barclay.winn@norfolk.gov>; Howard, Oneiceia

<Oneiceia.Howard@norfolk.gov>; Whitney, Chris <Chris.Whitney@norfolk.gov>

Subject: new Planning Commission application

Mr. Murphy and Ms. Miller,

Attached please find the following application for a special exception to operate an eating and drinking establishment at 245 Granby Street, suite 243.

The purpose of the request is to allow for a change of owner/operator of the existing restaurant.